

At present, Claims 1-5 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over a patent issued to Sullivan (U.S. Patent No. 5,902,855). Reconsideration of this rejection is requested.

As amended, Claim 1 explicitly states that the aliphatic, mono-functional organic acid is present in the thermoplastic composition at a level of from 20 to 45 weight percent consistent with the data presented in Table 1 on page 7 of the specification. In contrast to this limitation, the Sullivan ('855) reference clearly teaches that the golf ball cover comprises an ionomer resin having more than 90 weight percent of one or more acrylate ester-containing ionic copolymer (see, for example, column 2, lines 14-16; column 2, lines 40-44; column 2, lines 55-63; and the wording of all independent claims). It is Applicant's position that the presence of 90%, 95% and 99% (see claim 13) of one or more terpolymers as taught by Sullivan ('855) is inconsistent with and distinguishable from the claim language of the instant invention in that 20-45 weight percent of the aliphatic, mono-functional organic acid cannot be achieved at 90 or greater terpolymer concentrations.

In view of this difference, it is felt that the Sullivan ('855) reference does not and cannot serve as a basis for anticipation under 35 U.S.C. §102(e) nor a basis for a *prima facie* showing of obviousness under 35 U.S.C. §103 and as such the above rejection must be withdrawn.

At present, Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent issued to Sullivan (U.S. 5,902,855) in view of another patent issued to Sullivan (U.S. 5,306,760). Reconsideration of this rejection is requested.

In a manner analogous to the above remarks in defense of patentability relative to the Sullivan ('855) reference, it is felt that the primary reference '855 does not and cannot serve as a basis for a *prima facie* showing of obviousness under §103. Again, the '855 reference affirmatively teaches the presence of at least 90 weight percent terpolymer in the golf ball cover thus limiting the amount of fatty acid salt to under 10 percent. The teaching in the '855 reference at column 5, line 19, directing the reader to the secondary '760 reference is clearly intended to merely identify species of fatty acid salts useful within the explicitly taught and claimed range of up to 10 percent. The '760 reference is totally void of any teaching to the contrary or any disclosure of the use of fatty acid salts at

20 to 45 percent in highly neutralized ionomers corresponding to now amended claim language of the instant invention. In other words, the secondary Sullivan ('760) reference does not supply the necessary teachings to overcome the deficiencies associated with the teaching found in the primary Sullivan ('855) reference.

In view of the above, it is felt that there is a clear basis for the withdrawal of the §103 rejection based on the combination of Sullivan references and such action is requested.

At present, Claims 1-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the patent issued to Sullivan ('855) in view of patents issued to Bush (U.S. 3,649,578) or to Rees (U.S. 3,404,134). Reconsideration of this rejection is requested.

In a manner analogous to the above, it is again asserted that the primary reference, Sullivan ('855), fails to serve as a basis for a *prima facie* showing of obviousness of claims as amended herein. It is further asserted that neither the Bush ('578) nor the Rees ('134) references supply the necessary teachings to overcome the deficiencies of the Sullivan ('855) reference. Neither reference disclose or ever remotely suggest the use of 20-45% fatty acid salt in an ionomer that is highly neutralized as stated in the amended claims. More specifically, the example 64 of the Rees ('134) reference relied upon is less than 50% neutralized (all acids and ionomer) and the Bush ('578) reference involved 10-60% neutralization with the example 1; Table 1 having only minor amounts of zinc stearate in the final composition.

In view of these differences, it is felt that there is a basis for the withdrawal of the §103 rejection based on the combination of Sullivan, Bush and Rees references and such action is requested.

In the Advisory Action mailed August 22, 2002, proposed Claim 7 is identified as inconsistently calling for 100% neutralization and later as "excess" (>100%). As amended herein, Claim 7 now clearly indicates that an excess of the cation source is being added to achieve neutralization of about 100%.

Also, the Advisory Action states that the subject matter of Claim 10 is met by Sullivan '855. As amended herein, the composition being claimed is distinguishable from the teaching of the '855 reference based on the relative amounts of constituents.

In the Advisory Action the Examiner states, in part, that "The declaration asserting Sullivan '855's exemplified compositions at 100% neutralization are inoperative, cannot be accorded great weight (MPEP 716.07)." In response, it is respectfully submitted that the purpose of the declaration is not directed to the lack of operability of Sullivan '855 and as such MPEP 716.07 is not relevant. The purpose of the declaration (EXPERIMENT No. 1) is to establish that the highly neutralized compositions disclosed in Sullivan '855 are not melt-processable thermoplastic compositions as described and claimed in the instant application. There is nothing in any of the references of record that establishes the use of high levels of fatty acid salts at neutralization levels approaching 100% will result in a thermoplastic melt-processable ionomer composition.

In view of the above amendments to Claims 1 and 7 and the above brief remarks in combination with the previous remarks and §132 declaration of record, it is felt that all claims are now in condition for allowance and such action is requested. Should the Examiner believe that an interview or other action in Applicants' behalf would expedite prosecution of the application, the Examiner is urged to contact Applicants' attorney by telephone at (302) 992-6824.

Respectfully submitted,



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**Version with markings to show changes made**

**In the claims:**

Claim 1 and 7 have been amended as follows:

1. (Twice Amended) A thermoplastic composition that is melt-processable consisting essentially of (a) from 20 to 45 weight percent aliphatic, mono-functional organic acid(s) having fewer than 36 carbon atoms; and (b) ethylene, C<sub>3</sub> to C<sub>8</sub>  $\alpha,\beta$  ethylenically unsaturated carboxylic acid copolymer(s), wherein greater than 90% of all the acid of (a) and (b) is neutralized.

7. (Three Times Amended) A process to make a highly-neutralized, melt-processable ethylene copolymer comprising the steps of

- (a) Melt-blending an ethylene  $\alpha,\beta$  ethylenically unsaturated carboxylic acid copolymer or a melt processable ionomer thereof with an organic acid or salt of an organic acid, and
- (b) Concurrently or subsequently adding sufficient cation source to neutralize about 100% of the acid moieties of the acid copolymer or ionomer thereof and the organic acid or salt thereof;

Wherein the amount of cation source added in step (b) to neutralize about 100% of the acid moieties is in excess of the amount that is required to neutralize all of the acid moieties in the acid copolymer or ionomer thereof and the organic acid or salt.

10. (Amended) A thermoplastic melt-processable composition formed according to the process of claim 7, wherein said organic acid or salt of an organic acid is present at 20 to 45 weight percent.